

**IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH**

**CR No.2908 of 1999**

**Date of Decision : 22.7.2015**

**United India Insurance Company Ltd.**

**..Petitioner.**

**Charanjit and others**

**..Respondents.**

**CORAM : HON'BLE MR.JUSTICE S.S.SARON**

Present : None for the petitioner.

**S.S.Saron, J.**

This case has wrongly been tagged with FAO No.2047 of 1999 infact this is independent of the same.

As per office report, Sh.V.Ram Swaroop, Advocate for the appellant was informed vide letter No.4267 dated 28.4.2015 of the earlier date fixed for 13.05.2015. However, he did not appear on the said date; besides, notices issued to respondents for the said date were not received back served or otherwise. To await appearance case was adjourned for today.

As regards service of notice to respondents No.1 to 3, office report mentions that respondent No.1 remained unserved for want of complete address; respondent No.2 has been served through brother and respondent No.3 has died.

The United India Insurance Company has filed this revision petition against the award dated 1.12.1998 passed by the learned Motor

Accident Claims Tribunal, Gurgaon. The grievance of the petitioner is that the driver of the offending dumper namely Anil Kumar (respondent No.2) did not have a valid driving license. The accident had occurred as a result of collusion between a Maruti Van and a truck, which was insured with the appellant United India Insurance Company Limited.

The learned Motor Accident Claims Tribunal, Gurgaon vide its award dated 1.12.1998 awarded compensation of ₹5000/- to the claimant Charanjit Singh (respondent No.1). The liability of which has been fastened on the petitioner.

It is submitted in the grounds of revision that the driving licence which was produced by PW1 contains No.3779 dated 22.6.1995 and was valid upto 4.6.1998. The said licence was issued by the Licensing Authority Faridabad. The petitioner summoned RW1 Clerk from the Regional Transport Authority, Faridabad, who brought the record and deposed that the driving licence was renewed for heavy load of vehicle from 22.6.1995 to 4.6.1998. The original licence was issued by the Licensing Authority Gurgaon. The Licensing Authority, Gurgaon was also summoned and the Clerk of the said Licensing Authority appeared and deposed that the license was issued in favour of Rajinder Kumar at Serial No.1340/G/92 for driving a motor car, motor cycle, scooter and was valid upto 26.4.1997. It is submitted that the said driving licence was not in the name of Anil Kumar respondent No.2 who was driving the dumper at the time of accident.

It may be noticed that in case the driving license is to be taken to be invalid, the Insurance Company has its remedy of recovering the amount from the owner. The Supreme Court in **National Insurance**

**Company Ltd. Vs. Swaran Singh, (2004) 3 SCC 297** has held that the liability of Insurance Company to satisfy the decree at the first instance and to recover the awarded amount from the owner or driver thereof has been holding the field for a long time. Therefore, the Insurance Company is liable to pay the claimant (respondent No.1) the due amount of compensation in the first instance and recover the amount due from the owner. However, according to the office report, the owner of the vehicle, namely, Rajinder Singh has died. Despite notice to the learned counsel for the petitioner, he has not appeared.

In the circumstances, the revision petition is dismissed in default.

**22.7.2015**  
Meenu

**( S.S.Saron )**  
**Judge**